

B 10-00



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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

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Douglas M. Duncan
County Executive

MEMORANDUM

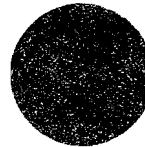
April 3, 2000

031109

TO: Michael L. Subin, President
Montgomery County Council

FROM: Douglas M. Duncan, County Executive

SUBJECT: Bill No. 10-00, Collective Bargaining for Police Sergeants



I support the efforts of Councilmembers Berlage, Andrews, Leggett, Silverman, and Ewing in proposing legislation to extend collective bargaining rights to police sergeants. For some time now, police supervisors have expressed an interest in having a more active role in determining what their salaries, benefits, hours of work, and other working conditions will be. In response to their wishes and in consultation with the Chief of Police, I am requesting that Bill No. 10-00 be amended to provide collective bargaining rights to police lieutenants and captains in addition to sergeants.

I endorse the view of the sponsors of the bill that there should be a separate bargaining unit for police supervisors. This will insure that the identity of police sergeants, lieutenants, and captains as supervisors is maintained in the collective bargaining process. I also propose an amendment that would reserve to the unit of non-supervisory police officers the right to bargain over the effect of the exercise of a management right. I believe that we should not have to bargain with police supervisors over the impact of management decisions effecting supervisory employees.

I have attached a copy of Bill No. 10-00 with the amendments. I thank the Council for considering this request.

DMD:cmr

Attachments

Bill No. 10-00
Concerning: Collective Bargaining –
Police - ~~[[Sergeants]]~~ Supervisors
Revised: _____ Draft No. _____
Introduced: _____
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berlage, Andrews, Leggett, Silverman, and Ewing

AN ACT to:

- (1) bring police sergeants, lieutenants, and captains within the scope of collective bargaining;
- (2) divide the police collective bargaining unit into two bargaining units; ~~[[and]]~~
- (3) limit the scope of bargaining for the police supervisors bargaining unit; and
- ~~[[3]]~~
- (4) generally amend the law regarding collective bargaining with County police officers.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-76, ~~[[and]]~~ 33-78, and 33-80

By adding

Chapter 33, Personnel and Human Resources
Section 33-78A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 33-76, [[and]] 33-78, and 33-80 are amended, and
Section 33-78A is added, as follows:

33-76. Definitions.

When used in this Article:

* * *

Certified representative means an **employee** organization selected [[in accordance with the procedures of]] under this Chapter to represent [the] a unit.

Employee means [[any]] a police officer [in the classification of] classified as a captain, lieutenant, sergeant, master police officer[[I, master police officer II]], police officer I, police officer II, police officer III, [and] [[or]] police officer candidate, or an equivalent [[nonsupervisory classification[s], but not [those] a police officer in [the classification of police sergeant or] any [equivalent] or higher]] classification. Employee does not include an individual in a position classified higher than a police captain or a police lieutenant or captain assigned to one of the following work units and whose primary duties involve:

- (a) Human resources;
- (b) Internal affairs;
- (c) Legal;
- (d) Labor relations; or
- (e) Policy development and compliance

Employer means the County Executive and [his] the Executive's designees.

* * *

Unit means [all employees] either of the bargaining units defined in Section 33-78A.

33-78. Employee rights.

* * *

- (b) The **employer** [shall have the duty to] must extend to the **certified representative** the exclusive right to represent the **employees** in that bargaining unit for the purposes of collective bargaining, including the orderly processing and settlement of grievances as agreed by the parties.
- (c) A certified representative [shall] must serve as the bargaining agent for all **employees** in the unit for which it is certified and [shall have the duty to] must represent fairly and without discrimination all **employees** in that unit without regard to whether the **employees** are [or are not] members of the **employee** organization, [or are paying] pay dues or other contributions to it, or [participating] participate in its affairs. [; provided, however, that it shall not be deemed] However, it is not a violation of this duty for a certified representative to seek enforcement of an agency shop provision in a valid collective bargaining agreement.

* * *

33-78A. Bargaining units.

For purposes of certification and collective bargaining, [[employees]] an employee subject to this Article must be [[divided into 2 bargaining units, composed of the following employees]] a member of one of the following bargaining units:

- (a) [[sergeants]] police supervisors unit that includes police sergeants, lieutenants, and captains; or
- (b) police non-supervisors unit that includes all other covered employees.

33-80. Collective bargaining.

- (a) **Duty to bargain; matters subject to bargaining.** [[Upon certification of an]] An employee organization[[, as provided in]]

certified under Section 33-79[[, the **employer** and the said **certified**
representative shall have the duty, through their designees, to]] and
the employer must bargain collectively [[with respect to those]] on
the following subjects [[as follows]]:

* * *

(7) [[the effect on **employees** of the **employer's** exercise of rights
enumerated in subsection (b) hereof]] the effect of the
employer's exercise of employer rights listed in subsection (c)
with the certified representative of the police non-supervisors
bargaining unit. The employer must not bargain collectively on
the effect of the employer's exercise of employer rights listed
in subsection (c) with the certified representative of the police
supervisors bargaining unit.

* * *

Approved:

Michael L. Subin, President, County Council

Date

Douglas M. Duncan, County Executive

Date

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council

Date

